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From: "Hoenke, Katherine (chis)" <CHIS@chevron.com>
To: 'KEITH BARNETT' <BARNETT.KEITH@epamail.epa.gov>
Date: 1/26/98 6:02pm
Subject: FW: Information about R&D ~~operations at Chevron Richmond~~
Technology Center exemptions in Federal Statutes

Second (or is it third?) try.

Katherine
RTC - EH&S Team
242-3380 (FAX 2-5856)
@chis

> -----
> From: Hoenke, Katherine (chis)
> Sent: Monday, January 26, 1998 10:39 AM
> To: 'Keith Barnett'
> Cc: 'Larry Gibbs'; 'Miller, Don'; 'Ellen Siegler'; 'Rasma Zvaners';
> Cooney, Barry (bcoo); Dion, Glenn (grdi); GOODHEART, LAWRENCE T.
> -LTGO; Kresowski, Stanislaw (krsr); Peargin, Janet (jacp); Piersante,
> Mark (mpie); Ravera, Mike (mijr)
> Subject: Information about R&D operations at Chevron Richmond
> Technology Center
>
>
> Keith:
>
> Last week I had trouble with our Internet servers, so Leslie O'Rourke
> of
> Larry Gibbs (Stanford) staff was kind enough to send you information
> we
> collected from the members of the Lab Safety Alliance on California
> laws
> and regulations which impact R&D operations. Attached is a
> complimentary document on R&D exemptions in Federal statutes.
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>
> Also, attached is an information document about R&D operations at
> Chevron Richmond Technology Center.
>
>
> If you have any questions regarding any of the documents above
> mentioned, please call me (510-242-3380) or reply to this e-mail. I
> am
> looking forward to talk with you on January 30th during the R&D Task
> Force conference call.
> Katherine
> RTC - EH&S Team
> 242-3380 (FAX 2-5856)
> @chis
>
>
>

R&D exemptions in the Federal statutes

Several federal, state, and local statutes recognize the specific nature of R&D facilities and the need for flexibility when dealing with R&D facilities. Here are a few examples:

SARA R&D EXEMPTION

SARA 313 has both laboratory operations and product testing exemptions. The manufacture, process or use of chemicals in a laboratory setting under the supervision of a technically qualified individual is exempt from the Section 313 reporting requirements. The exemption also covers support activities. (In an R&D facility there are many activities conducted outside laboratories in support of the laboratory activities.) Under EPA guidance, equipment and component testing are intended to be treated as the equivalent of a laboratory activity, and thus qualify for the laboratory operations exemption.

TSCA R&D EXEMPTION

TSCA, Section 5 R&D exemption is applicable if manufacturing or processing "small quantities solely for the purpose of scientific experimentation or analysis, or chemical research on, or analysis of such substance, or another substance, including such research or analysis for the development of a product".

TSCA Section 5, defines "test marketing" as the distribution in commerce of no more than a predetermined amount of a chemical substance, mixture, or article, by a manufacturer or processor, to no more than a defined number of potential customers to explore market capability in a competitive situation during a predetermined testing period prior to the broader distribution. Test marketing involves a study of market demand for a substance or customer acceptance of a substance.

RCRA R&D EXEMPTION:

Federal treatability study exemptions are a recognition that full-blown waste permitting is not only inappropriate for research-type of treatability studies, but would act as deterrent in finding cost effective solutions to waste disposal problems.

R&D CONSIDERATIONS IN HAZARDOUS ORGANIC NESHP (HON)

During the HON rulemaking EPA recognized that R&D facilities cover a wide range of operations and sizes from bench-top operations to pilot plants. These facilities are operated under a wide range and changing variety of piping configurations, chemicals, chemical concentrations. Due to their very nature, there are frequent changes in the operations of R&D facilities. and is not engaged in the manufacture of products for commercial sale, except in a minimal manner. The HON does not apply to R&D facilities such as laboratories and pilot plants, regardless of whether the facilities are located on the same site as a commercial manufacturing plant.

In the HON contest R&D means laboratory and pilot plant operations whose primary purpose is to conduct research and development into new processes and products, where operations are under the close supervision of technically trained personnel, and is not engaged in the manufacture of products for commercial sale, except in a minimum manner.